

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSEPH M. PACHECO,

Plaintiff,

Case No. 06-13850

v.

District Judge Paul V. Gadola  
Magistrate Judge R. Steven Whalen

TADARIAL STURDIVANT, et al.,

Defendant.

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**ORDER GRANTING MOTION TO AMEND COMPLAINT**

Before the Court is Plaintiff's Motion to Amend Complaint [Docket #12]. Defendant objects to the proposed amendment insofar as it includes a claim against the Michigan State Police under 42 U.S.C. §1983, arguing (correctly) that such claim is barred by Eleventh Amendment immunity. Defendant does not object to naming the Michigan State Police in a state law claim under the Elliott Larsen Civil Rights Act. In reply, Plaintiff agrees to revise the Second Amended Complaint "to more clearly indicate that the constitutional claims are against the individual defendants only and the Elliott Larsen Civil rights Act claim is against proposed defendant Michigan State Police."

Accordingly, pursuant to Fed.R.Civ.P. 15(a), Plaintiff's Motion to Amend Complaint [Docket #12] is GRANTED, with the proviso that neither the Michigan State Police, nor any other state agencies or employees sued in their official capacities, may be sued as such under

42 U.S.C. §1983.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: May 11, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on May 11, 2007.

S/Gina Wilson  
Judicial Assistant